

Office Action Summary

Application No.

10/573,580

Applicant(s)

SAKOH ET AL.

Examiner

SON T. HOANG

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☒ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 2, 2010 has been entered.

Response to Amendment

2. **Claims 26-31** are newly amended.

Claims 1-31 are pending.

Response to Arguments

3. Double patenting rejections of **claims 1, 10, and 15-19** are maintained since Applicant expressed their intention to file a Terminal Disclaimer whenever the pending claims are in condition for allowance.

4. Applicant's arguments towards the 35 U.S.C. 103(a) rejections of the pending claims have been fully considered and are moot in view of a new ground of rejections presented hereon.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Amended **claims 1, 10, and 15-19** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of a patented application (*Pat. No. US 7,603,335*).

Initially, it should be noted that the present application and the patent listed above have the same inventive entity. The assignee for both application and patent is Sony Corporation.

Claimed subject matter in the instant application is fully disclosed and would be covered in the referenced patent since the referenced patent and the

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instant application are claiming common subject matter, as noted below. *See In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993).

Furthermore, there is no apparent reason why Applicant would be prevented from presenting claims corresponding to those of the instant application in the referenced patent. See MPEP § 804.

Independent claims 1, 10, and 15-19 of the instant application are compared to **claims 2-3, and 5-11** of the referenced patent No. US 7,603,335 in the following table:

Instant Application	Patent No. 7,603,335
<u>Claim 1</u> (particularly the amended limitation on lines 2-5)	<u>Claims 2-3, and 5-11</u>
<u>Claim 10</u> (particularly the newly added limitation on lines 1-9)	<u>Claims 2-3, and 5-11</u>
<u>Claim 15</u> (particularly the newly added limitation on lines 2-6)	<u>Claims 2-3, and 5-11</u>
<u>Claim 16</u> (particularly the newly added limitation on lines 1-10)	<u>Claims 2-3, and 5-11</u>
<u>Claim 17</u> (particularly the newly added limitation on lines 3-6)	<u>Claims 2-3, and 5-11</u>
<u>Claim 18</u> (particularly the newly added limitation on lines 1-10)	<u>Claims 2-3, and 5-11</u>
<u>Claim 16</u> (particularly the newly added limitation on lines 2-5)	<u>Claims 2-3, and 5-11</u>

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Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the similar limitations to produce the same end result of acquisition of contents and contents attribute information.

It would have been obvious to a person with ordinary skills in the art at the time of the invention was made to modify or to omit the additional elements of **claims 2-3, and 5-11** of '335 to arrive at **claims 1, 10, and 15-19** of the instant application because the person would have realized that the remaining element would perform the same functions as before. "Omission of element ad its function in combination is obvious expedient if the remaining elements perform same functions as before." See *In re Karlson* (CCPA) 136 USPQ 184, decide Jan 16, 1963, Appl. No. 6857, U.S. Court of Customs and Patent Appeals.

This is an actual obvious double patenting rejection since the conflicting claims have been patented.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 10, 15-19, and 26-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (*Pat. No. US 7,117,253, filed on November 5, 2002; hereinafter Nakayama*) over Wolfe et al. (*Pub. No. US 2004/0163033, filed on July 24, 2003*), and further in view of Volk et al. (*Pub. No. US 2004/0019497, filed on December 4, 2002; hereinafter Volk*).

Regarding **claim 1**, Nakayama clearly shows and discloses a contents acquisition method (*Figures 9-10*) comprising:

transmitting file request information that requests an acquisition/use file containing a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address (*when a request to acquire the delivery information 2bb is made from information browsing means 1a with respect to the request relaying means 1c, the request relaying means 1c receives the request and analyzes its content, [0035]. Figure 8 shows the control file of the server computer side that has the host name for accessing the contents 14b or 14c, [0066]-[0067]*);

receiving the acquisition/use file corresponding to the file request information (*The request relaying means 1c then acquires the server-side control file 2ba managed by the server 2a with respect to which the request has been made, as well as the local-side control file 1ba in the duplicate information storing means 1b, [0035]*);

storing the acquisition/use file received (*both the sever-side control file 2ba and local-side control file 1ba are retrieved and stored on local computer 1 since the request relaying means 1c is contained within the local computer,* [0035]);

determining if contents identification information corresponding to the contents providing address in the acquisition/use file is registered in a database or not (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison. Note that the local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb,* [0034]);

transmitting contents request information for requesting the contents data corresponding to the contents identification information to the external apparatus if it is determined that the contents identification information is not registered in

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the database (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison, [0034]. It is well inherent that if the delivery information 2bb is not duplicated in storing means 1b, the request will be directed to sever computer 2*);

receiving the contents data transmitted from the external apparatus as a result of transmitting the contents request information to the external apparatus (*In response to a request from the local computer 10, the WWW server 21 sends the control file 23a or HTTP content 23b in the database 23. The streaming server 22 sends the control file 24a in the database 24 in response to a request from the local computer 10, and also sends a streaming content 24b in response to a request from the streaming player 12 of the local computer 10, [0046]*);

storing the contents identification information as in-storage contents identification information when it is determined that the contents identification information is registered in the database or when the reception of the contents data is completed (*Figure 9 shows that in Step 11, the server-side control file name corresponding to the set of the hostname and the base pathname detected*

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in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);

transmitting attributes request information for requesting contents attributes information altering the attributes of the contents data corresponding to the in-storage contents identification information when the storage of the in-storage contents identification information is completed (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]);*

receiving the contents-attributes information corresponding to the attributes request information (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]);*

storing the contents attributes identification information corresponding to the contents attributes information after the completion of the reception of the contents attributes information (*Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base*

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pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]); and

registering the contents data and the contents attributes information in the database (*The local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]).*

Nakayama does not explicitly disclose the acquired attributes information providing address is separate from the contents providing address, and the steps of temporarily storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database; and controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However, Wolfe discloses the steps of temporarily storing the received files/information (*The content may also be rendered and simulated for the preservation media's capabilities and format. As discussed hereinafter, the metadata can include various types of information including creation information, origination information, content information, subject information, format information, or the like. Once the metadata for the content is assembled, the*

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content is placed in temporary storage where the content and the associated metadata will be referred to as a preservation object, [0032]) and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database (confirmation that the preservation store 400 has successfully preserved the one or more preservation objects on the preservation media 600, the one or more preservation objects are deleted from a temporary storage, [0048]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Wolfe with the teachings of Nakayama for the purpose of receiving content and preserving that content for an indefinite or predetermined amount of time ([Abstract] of Wolfe).

Nakayama, as modified by Wolfe, does not explicitly teach the acquired attributes information providing address is separate from the contents providing address, transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file, and the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However Volk discloses:

the acquired attributes information providing address is separate from the contents providing address (*The playlist is preferably a data file that comprises a plurality of unique identifiers (urls) for a plurality of songs. The playlist may also contain one or more unique identifiers (urls) for advertisements (e.g., audio ad*

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content) that will be inserted between songs in the playlist according to a predetermined schedule, [0037]),

transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file (*The ad content may be streamed to the media player by the ad server 216, from the content server 300, or from some other streaming content server. The media player steps through the playlist and, for each of the plurality of unique identifiers (song or ad content), requests a song or ad, as the case may be, from the appropriate repository, [0037]), and*

the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information (*When the playlist is played back by each user's media player, an advertisement will be streamed to the media player from a location identified by the unique identifier after every fifth song, [0032]).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Volk with the teachings of Nakayama, as modified by Wolfe, for the purpose of providing personalized music playback over a network by utilizing an ad server and content server ([Abstract] of Volk).

Regarding **claim 10**, Nakayama clearly shows and discloses an attributes information providing method to be used in a situation where contents data are already registered in a database or the reception of the contents data

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corresponding to the contents providing address in the acquisition request file transmitted from an external apparatus is completed after externally and storing an acquisition/use file containing a contents providing address corresponding to the acquisition request for contents data to an external apparatus and an attributes information providing address and before requesting the contents data corresponding to the contents providing address (*Figures 9-10*), the method comprising:

receiving attributes request information requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information transmitted in a condition where the contents identification information corresponding to the contents providing address is stored as in-storage contents identification information (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]*); and

externally transmitting the contents attributes information of the contents data corresponding to the in-storage contents identification information in response to the attributes request information received (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server*

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which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]).

Nakayama does not explicitly disclose the acquired attributes information providing address is separate from the contents providing address, and the step of temporarily storing the received files/information, and controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However, Wolfe discloses temporarily storing the received files/information (*The content may also be rendered and simulated for the preservation media's capabilities and format. As discussed hereinafter, the metadata can include various types of information including creation information, origination information, content information, subject information, format information, or the like. Once the metadata for the content is assembled, the content is placed in temporary storage where the content and the associated metadata will be referred to as a preservation object, [0032]).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Wolfe with the teachings of Nakayama for the purpose of receiving content and preserving that content for an indefinite or predetermined amount of time ([Abstract] of Wolfe).

Nakayama, as modified by Wolfe, does not explicitly teach the acquired attributes information providing address is separate from the contents providing

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address, transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file, and the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However Volk discloses:

the acquired attributes information providing address is separate from the contents providing address (*The playlist is preferably a data file that comprises a plurality of unique identifiers (urls) for a plurality of songs. The playlist may also contain one or more unique identifiers (urls) for advertisements (e.g., audio ad content) that will be inserted between songs in the playlist according to a predetermined schedule, [0037]*),

transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file (*The ad content may be streamed to the media player by the ad server 216, from the content server 300, or from some other streaming content server. The media player steps through the playlist and, for each of the plurality of unique identifiers (song or ad content), requests a song or ad, as the case may be, from the appropriate repository, [0037]*), and

the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information (*When the playlist is played back by each user's media player, an advertisement will be*

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streamed to the media player from a location identified by the unique identifier after every fifth song, [0032]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Volk with the teachings of Nakayama, as modified by Wolfe, for the purpose of providing personalized music playback over a network by utilizing an ad server and content server ([Abstract] of Volk).

Regarding **claim 15**, Nakayama clearly shows and discloses a contents acquisition apparatus (*Figures 1-3*) comprising:

a file request information transmission section configured to transmit file request information that requests an acquisition/use file containing a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address (*when a request to acquire the delivery information 2bb is made from information browsing means 1a with respect to the request relaying means 1c, the request relaying means 1c receives the request and analyzes its content, [0035]. Figure 8 shows the control file of the server computer side that has the host name for accessing the contents 14b or 14c, [0066]-[0067]*);

a file reception section configured to receive the acquisition/use file corresponding to the file request information transmitted by the file request information transmission section (*The request relaying means 1c then acquires the server-side control file 2ba managed by the server 2a with respect to which*

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the request has been made, as well as the local-side control file 1ba in the duplicate information storing means 1b, [0035]);

a storage section configured to store the acquisition/use file received by the file reception section (both the sever-side control file 2ba and local-side control file 1ba are retrieved and stored on local computer 1 since the request relaying means 1c is contained within the local computer, [0035]);

a determination section configured to determine if the contents identification information corresponding to the contents providing address in the acquisition/use file is registered in a database or not (The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison. Note that the local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]);

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a contents request information transmission section configured to transmit contents request information for requesting the contents data corresponding to the contents identification information to the external apparatus if it is determined by the determination section that the contents identification information is not registered in the database (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison, [0034]. It is well inherent that if the delivery information 2bb is not duplicated in storing means 1b, the request will be directed to sever computer 2;*

a data reception section configured to receive the contents data transmitted from the external apparatus as a result of transmitting the contents request information to the external apparatus by the contents request information transmission section (*In response to a request from the local computer 10, the WWW server 21 sends the control file 23a or HTTP content 23b in the database 23. The streaming server 22 sends the control file 24a in the database 24 in response to a request from the local computer 10, and also sends a streaming content 24b in response to a request from the streaming player 12 of the local computer 10, [0046];*

a contents identification information storage section configured to store the contents identification information as in-storage contents identification information when it is determined by the determination section that the contents identification information is registered in the database or when the reception of the contents data is completed by the data reception section (*Figure 9 shows that in Step 11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);*

a attributes request information transmission section configured to transmit attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information to the attributes information providing address in the acquisition/use file when the storage of the in-storage contents identification information by the contents identification information storage section is completed (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085];*

a attributes information reception section configured to receive the contents attributes information corresponding to the attributes request

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information transmitted by the attributes request information transmission Section
(After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]);

a contents attributes identification information storage section configured to store the contents attributes identification information corresponding to the contents attributes information after the completion of the reception of the contents attributes information by the attributes information reception section
(Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]); and

a registration section configured to register the contents data and the contents attributes information in the database *(The local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means*

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2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]).

Nakayama does not explicitly disclose the acquired attributes information providing address is separate from the contents providing address, and storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database; and controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However, Wolfe discloses storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data (*The content may also be rendered and simulated for the preservation media's capabilities and format. As discussed hereinafter, the metadata can include various types of information including creation information, origination information, content information, subject information, format information, or the like. Once the metadata for the content is assembled, the content is placed in temporary storage where the content and the associated metadata will be referred to as a preservation object, [0032]) and the contents attributes information in the database (confirmation that the preservation store 400 has successfully preserved the one or more preservation objects on the preservation media 600, the one or more preservation objects are deleted from a temporary storage, [0048]).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Wolfe with the teachings of Nakayama for the purpose of receiving content and preserving that content for an indefinite or predetermined amount of time ([Abstract] of Wolfe).

Nakayama, as modified by Wolfe, does not explicitly teach the acquired attributes information providing address is separate from the contents providing address, transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file, and the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However Volk discloses:

the acquired attributes information providing address is separate from the contents providing address (*The playlist is preferably a data file that comprises a plurality of unique identifiers (urls) for a plurality of songs. The playlist may also contain one or more unique identifiers (urls) for advertisements (e.g., audio ad content) that will be inserted between songs in the playlist according to a predetermined schedule, [0037]*),

transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file (*The ad content may be streamed to the media player by the ad server 216, from the content server 300, or from some other streaming content server. The media player steps through the playlist and, for each of the*

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plurality of unique identifiers (song or ad content), requests a song or ad, as the case may be, from the appropriate repository, [0037]), and

the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information (When the playlist is played back by each user's media player, an advertisement will be streamed to the media player from a location identified by the unique identifier after every fifth song, [0032]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Volk with the teachings of Nakayama, as modified by Wolfe, for the purpose of providing personalized music playback over a network by utilizing an ad server and content server ([Abstract] of Volk).

Regarding **claim 16**, Nakayama clearly shows and discloses an attributes information providing apparatus to be used in a situation where contents data are already registered in a database or the reception of the contents data corresponding to the contents providing address in the acquisition request file transmitted from an external apparatus is completed after externally and storing an acquisition/use file containing the contents providing address corresponding to the acquisition request for contents data to an external apparatus and before requesting the contents data corresponding to the contents providing address (Figures 1-3), the apparatus comprising:

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an attributes request information reception section configured to receive attributes request information requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information transmitted in a condition where the contents identification information corresponding to the contents providing address is stored as in-storage contents identification information (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085];*

an attributes information transmission section configured to externally transmit the contents attributes information of the contents data corresponding to the in-storage contents identification information in response to the attributes request information received by the attributes request information reception means (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099].*

Nakayama does not explicitly disclose the acquired attributes information providing address is separate from the contents providing address, and temporarily storing the received files/information; and controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However, Wolfe discloses temporarily storing the received files/information *(The content may also be rendered and simulated for the preservation media's capabilities and format. As discussed hereinafter, the metadata can include various types of information including creation information, origination information, content information, subject information, format information, or the like. Once the metadata for the content is assembled, the content is placed in temporary storage where the content and the associated metadata will be referred to as a preservation object, [0032]).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Wolfe with the teachings of Nakayama for the purpose of receiving content and preserving that content for an indefinite or predetermined amount of time ([Abstract] of Wolfe).

Nakayama, as modified by Wolfe, does not explicitly teach the acquired attributes information providing address is separate from the contents providing address, transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the

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acquisition/use file, and the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However Volk discloses:

the acquired attributes information providing address is separate from the contents providing address (*The playlist is preferably a data file that comprises a plurality of unique identifiers (urls) for a plurality of songs. The playlist may also contain one or more unique identifiers (urls) for advertisements (e.g., audio ad content) that will be inserted between songs in the playlist according to a predetermined schedule, [0037]*),

transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file (*The ad content may be streamed to the media player by the ad server 216, from the content server 300, or from some other streaming content server. The media player steps through the playlist and, for each of the plurality of unique identifiers (song or ad content), requests a song or ad, as the case may be, from the appropriate repository, [0037]*), and

the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information (*When the playlist is played back by each user's media player, an advertisement will be streamed to the media player from a location identified by the unique identifier after every fifth song, [0032]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Volk with the teachings of Nakayama, as modified by Wolfe, for the purpose of providing personalized music playback over a network by utilizing an ad server and content server ([Abstract] of Volk).

Regarding **claim 17**, Nakayama clearly shows and discloses a contents acquisition program (*Figures 1-3*) for causing an information processing apparatus to execute:

transmitting file request information that requests an acquisition/use file containing a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address (*when a request to acquire the delivery information 2bb is made from information browsing means 1a with respect to the request relaying means 1c, the request relaying means 1c receives the request and analyzes its content*, [0035]. *Figure 8 shows the control file of the server computer side that has the host name for accessing the contents 14b or 14c, [0066]-[0067];*

receiving the acquisition/use file corresponding to the file request information (*The request relaying means 1c then acquires the server-side control file 2ba managed by the server 2a with respect to which the request has been made, as well as the local-side control file 1ba in the duplicate information storing means 1b, [0035];*

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storing the acquisition/use file received in the file reception step (*both the sever-side control file 2ba and local-side control file 1ba are retrieved and stored on local computer 1 since the request relaying means 1c is contained within the local computer, [0035]*);

determining if the contents identification information corresponding to the contents providing address in the acquisition/use file is registered in a database or not (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison. Note that the local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]*);

transmitting contents request information for requesting the contents data corresponding to the contents identification information to the external apparatus if it is determined that the contents identification information is not registered in

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the database (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison, [0034]. It is well inherent that if the delivery information 2bb is not duplicated in storing means 1b, the request will be directed to sever computer 2*);

receiving the contents data transmitted from the external apparatus as a result of transmitting the contents request information to the external apparatus (*In response to a request from the local computer 10, the WWW server 21 sends the control file 23a or HTTP content 23b in the database 23. The streaming server 22 sends the control file 24a in the database 24 in response to a request from the local computer 10, and also sends a streaming content 24b in response to a request from the streaming player 12 of the local computer 10, [0046]*);

storing the contents identification information as in-storage contents identification information when it is that the contents identification information is registered in the database or when the reception of the contents data is completed (*Figure 9 shows that in Step 11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in*

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Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);

transmitting attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information to the attributes information providing address in the acquisition/use file when the storage of the in-storage contents identification information is completed (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085];*

receiving the contents attributes information corresponding to the attributes request information (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099];*

storing the contents attributes identification information corresponding to the contents attributes information after the completion of the reception of the contents attributes information (*Figure 9 shows that in step S11, the server-side*

control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]); and

registering the contents data and the contents attributes information in the database (*The local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]).*

Nakayama does not explicitly disclose teaches the acquired attributes information providing address is separate from the contents providing address, and the steps of temporarily storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database; and controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However, Wolfe discloses the steps of temporarily storing the received files/information (*The content may also be rendered and simulated for the preservation media's capabilities and format. As discussed hereinafter, the metadata can include various types of information including creation information, origination information, content information, subject information, format*

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information, or the like. Once the metadata for the content is assembled, the content is placed in temporary storage where the content and the associated metadata will be referred to as a preservation object, [0032]) and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database (confirmation that the preservation store 400 has successfully preserved the one or more preservation objects on the preservation media 600, the one or more preservation objects are deleted from a temporary storage, [0048]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Wolfe with the teachings of Nakayama for the purpose of receiving content and preserving that content for an indefinite or predetermined amount of time ([Abstract] of Wolfe).

Nakayama, as modified by Wolfe, does not explicitly teach the acquired attributes information providing address is separate from the contents providing address, transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file, and the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However Volk discloses:

the acquired attributes information providing address is separate from the contents providing address (*The playlist is preferably a data file that comprises a plurality of unique identifiers (urls) for a plurality of songs. The playlist may also*

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contain one or more unique identifiers (urls) for advertisements (e.g., audio ad content) that will be inserted between songs in the playlist according to a predetermined schedule, [0037]),

transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file *(The ad content may be streamed to the media player by the ad server 216, from the content server 300, or from some other streaming content server. The media player steps through the playlist and, for each of the plurality of unique identifiers (song or ad content), requests a song or ad, as the case may be, from the appropriate repository, [0037]), and*

the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information *(When the playlist is played back by each user's media player, an advertisement will be streamed to the media player from a location identified by the unique identifier after every fifth song, [0032]).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Volk with the teachings of Nakayama, as modified by Wolfe, for the purpose of providing personalized music playback over a network by utilizing an ad server and content server ([Abstract] of Volk).

Regarding **claim 18**, Nakayama clearly shows and discloses a computer-readable medium encoded with an attributes information providing program to be

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executed by an information processing apparatus in a situation where contents data are already registered in a database or the reception of the contents data corresponding to the contents providing address in the acquisition request file transmitted from an external apparatus is completed before externally and storing an acquisition/use file containing the contents providing address corresponding to the acquisition request for contents data to an external apparatus and after requesting the contents data corresponding to the contents providing address (*Figures 1-3*), the program comprising:

receiving attributes request information requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information transmitted in a condition where the contents identification information corresponding to the contents providing address is stored as in-storage contents identification information (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]*); and

externally transmitting the contents attributes information of the contents data corresponding to the in-storage contents identification information in response to the attributes request information received (*After the local-side and server-side control files are acquired, the version numbers of all associated*

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contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]).

Nakayama does not explicitly disclose teaches the acquired attributes information providing address is separate from the contents providing address , and the steps of temporarily storing the received files/information; and controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However, Wolfe discloses temporarily storing the received files/information (*The content may also be rendered and simulated for the preservation media's capabilities and format. As discussed hereinafter, the metadata can include various types of information including creation information, origination information, content information, subject information, format information, or the like. Once the metadata for the content is assembled, the content is placed in temporary storage where the content and the associated metadata will be referred to as a preservation object, [0032]); and controlling reproduction of the contents data based on reproduction criteria included in the content attributes information (confirmation that the preservation store 400 has successfully preserved the one or more preservation objects on the preservation media 600, the one or more preservation objects are deleted from a temporary storage, [0048]).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Wolfe with the teachings of Nakayama for the purpose of receiving content and preserving that content for an indefinite or predetermined amount of time ([Abstract] of Wolfe).

Nakayama, as modified by Wolfe, does not explicitly teach the acquired attributes information providing address is separate from the contents providing address, transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file, and the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information.

However Volk discloses:

the acquired attributes information providing address is separate from the contents providing address (*The playlist is preferably a data file that comprises a plurality of unique identifiers (urls) for a plurality of songs. The playlist may also contain one or more unique identifiers (urls) for advertisements (e.g., audio ad content) that will be inserted between songs in the playlist according to a predetermined schedule, [0037]*),

transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file (*The ad content may be streamed to the media player by the ad server 216, from the content server 300, or from some other streaming content server. The media player steps through the playlist and, for each of the*

plurality of unique identifiers (song or ad content), requests a song or ad, as the case may be, from the appropriate repository, [0037]), and

the step of controlling reproduction of the contents data based on reproduction criteria included in the content attributes information (When the playlist is played back by each user's media player, an advertisement will be streamed to the media player from a location identified by the unique identifier after every fifth song, [0032]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Volk with the teachings of Nakayama, as modified by Wolfe, for the purpose of providing personalized music playback over a network by utilizing an ad server and content server ([Abstract] of Volk).

Regarding **claim 19**, Nakayama clearly shows and discloses a contents acquisition method (*Figures 9-10*) comprising:

transmitting file request information that requests an acquisition/use file containing a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address (when a request to acquire the delivery information 2bb is made from information browsing means 1a with respect to the request relaying means 1c, the request relaying means 1c receives the request and analyzes its content, [0035]. Figure 8 shows the control file of the server computer side that has the host name for accessing the contents 14b or 14c, [0066]-[0067]);

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receiving the acquisition/use file corresponding to the file request information (*The request relaying means 1c then acquires the server-side control file 2ba managed by the server 2a with respect to which the request has been made, as well as the local-side control file 1ba in the duplicate information storing means 1b, [0035];*

storing the acquisition/use file received (*both the sever-side control file 2ba and local-side control file 1ba are retrieved and stored on local computer 1 since the request relaying means 1c is contained within the local computer, [0035];*

determining if contents identification information corresponding to the contents providing address in the acquisition/use file is registered in a database or not (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison. Note that the local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the*

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delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]);

transmitting contents request information for requesting the contents data corresponding to the contents identification information to the external apparatus if it is determined that the contents identification information is not registered in the database (*The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison, [0034]. It is well inherent that if the delivery information 2bb is not duplicated in storing means 1b, the request will be directed to sever computer 2);*

receiving the contents data transmitted from the external apparatus as a result of transmitting the contents request information to the external apparatus (*In response to a request from the local computer 10, the WWW server 21 sends the control file 23a or HTTP content 23b in the database 23. The streaming server 22 sends the control file 24a in the database 24 in response to a request from the local computer 10, and also sends a streaming content 24b in response to a request from the streaming player 12 of the local computer 10, [0046]);*

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storing the contents identification information as in-storage contents identification information when it is determined that the contents identification information is registered in the database (*Figure 9 shows that in Step 11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080];*

transmitting attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding when the temporarily storing of the in-storage contents identification information is completed (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085];*

receiving the contents attributes information corresponding to the attributes request information (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099];*

storing the contents attributes identification information corresponding to the contents attributes information after the completion of the reception of the contents attributes information in the receiving the contents attributes information (*Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080];*

registering the contents data and the contents attributes information in the database (*The local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]; and*

Nakayama does not explicitly disclose the acquired attributes information providing address is separate from the contents providing address, and the steps of temporarily storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database, and storing the contents identification information as in-storage contents identification information when the reception of the contents data is completed.

However, Wolfe discloses the steps of temporarily storing the received files/information (*The content may also be rendered and simulated for the preservation media's capabilities and format. As discussed hereinafter, the metadata can include various types of information including creation information, origination information, content information, subject information, format information, or the like. Once the metadata for the content is assembled, the content is placed in temporary storage where the content and the associated metadata will be referred to as a preservation object, [0032]*) and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database (*confirmation that the preservation store 400 has successfully preserved the one or more preservation objects on the preservation media 600, the one or more preservation objects are deleted from a temporary storage, [0048]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Wolfe with the teachings of Nakayama for the purpose of receiving content and preserving that content for an indefinite or predetermined amount of time ([Abstract] of Wolfe).

Volk then discloses:

the acquired attributes information providing address is separate from the contents providing address (*The playlist is preferably a data file that comprises a plurality of unique identifiers (urls) for a plurality of songs. The playlist may also contain one or more unique identifiers (urls) for advertisements (e.g., audio ad*

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content) that will be inserted between songs in the playlist according to a predetermined schedule, [0037]),

transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file (*The ad content may be streamed to the media player by the ad server 216, from the content server 300, or from some other streaming content server. The media player steps through the playlist and, for each of the plurality of unique identifiers (song or ad content), requests a song or ad, as the case may be, from the appropriate repository, [0037]), and*

storing the contents identification information as in-storage contents identification information when the reception of the contents data is completed (*The content server 300 has a processor and software operable in connection with the processor for providing for the storage and retrieval of a plurality of songs at a plurality of unique and identifiable storage locations, [0026]);*

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Volk with the teachings of Nakayama, as modified by Wolfe, for the purpose of providing personalized music playback over a network by utilizing an ad server and content server ([Abstract] of Volk).

Regarding **claims 26-31**, Volk further discloses the acquisition request for contents data include contents data identification information, and the acquisition/use file includes the attributes information providing address

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correlated with the contents data identification information (*The playlist is preferably a data file that comprises a plurality of unique identifiers (urls) for a plurality of songs. The playlist may also contain one or more unique identifiers (urls) for advertisements (e.g., audio ad content) that will be inserted between songs in the playlist according to a predetermined schedule, [0037]*).

8. **Claims 2-5, and 11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (*Pat. No. US 7,117,253, filed on November 5, 2002; hereinafter Nakayama*) over Wolfe et al. (*Pub. No. US 2004/0163033, filed on July 24, 2003*), and further in view of Volk et al. (*Pub. No. US 2004/0019497, filed on December 4, 2002; hereinafter Volk*), and further in view of Ireton (*Pub. No. US 2002/0077984, published on June 20, 2002*).

Regarding **claims 2, and 11**, Nakayama, as modified by Wolfe and Volk, does not disclose the contents attributes information includes right of use information that makes the contents data usable.

However, Ireton discloses the contents attributes information includes right of use information that makes the contents data usable (*receiving 405 media content (e.g., music, art, books) and identifying 410 rights to use associated with the media content. The rights to use may be embedded in the media content or otherwise associated with the media content. Such rights to use can specify, for example, the number of copies that can be available for playback at any given*

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time. In response to no rights to use being identified, the process may include assigning 415 default rights to use to the media content, [0066]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Ireton with the teachings of Nakayama, as modified by Wolfe and Volk, for the purpose of enabling protected media content to be shared between playback devices using the rights associated with the media contents ([Abstract] of Ireton).

Regarding **claims 3, and 12**, Ireton further discloses the contents attributes information includes right of use information that makes the contents data reproducible (*The process also includes explicitly or implicitly transferring 425 a number of the rights to use to desired locations. For example, one location (e.g., playback device) might receive a single right to use, while another playback location (e.g., digital media server) receives four rights to use. Note that a number of the rights to use may be provided to a secure storage device for future distribution purposes. Further note that the distribution of the actual media content can be separate from the distribution of rights to use that media content, [0067]).*

Regarding **claims 4, and 13**, Ireton further discloses the contents attributes information includes right of use information for increasing the number of times of copying the contents data stored in the storage medium to other storage mediums (*The process also includes explicitly or implicitly transferring 425 a number of the rights to use to desired locations. For example, one location*

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(e.g., playback device) might receive a single right to use, while another playback location (e.g., digital media server) receives four rights to use. Note that a number of the rights to use may be provided to a secure storage device for future distribution purposes. Further note that the distribution of the actual media content can be separate from the distribution of rights to use that media content, [0067]).

Regarding **claim 5**, Nakayama further discloses temporarily storing acquisition start information for starting acquisition of the contents data before the transmitting file request information (*Figure 9 shows step S1 as initializing information retained during the previous process before a request is communicated, [0070]).*

9. **Claims 6-9**, and **14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (*Pat. No. US 7,117,253, filed on November 5, 2002; hereinafter Nakayama*) over Wolfe et al. (*Pub. No. US 2004/0163033, filed on July 24, 2003*), and further in view of Volk et al. (*Pub. No. US 2004/0019497, filed on December 4, 2002; hereinafter Volk*), and further in view of Chun (*Pub. No. US 2004/0054650, filed on June 20, 2003*).

Regarding **claim 6**, Nakayama, as modified by Wolfe and Volk, does not disclose the limitations of this instant claim.

However, Chun discloses:

determining if the acquisition start information is temporarily stored or not when a communicable state is restored from a break of the communication connection with the external apparatus (*Figure 7 shows the CPU 230 of the mobile terminal stores in the memory 240 or some other storage the temporary file with the download status information lastly detected by the download status checker 250, [0045]*). When the file downloading apparatus 200 starts the user request download procedure, the CPU 230 of the mobile terminal determines whether or not the download status information of a requested file exists in the download status checker 250 at step S401, [0036]);

determining if the in-storage contents identification information is temporarily stored or not when it is determined that the acquisition start information is temporarily stored (*The download status checker 250 may obtain the download status information from the memory 240 or from its own storage 250a. In this embodiment, the presence of the download status information of a file implies that the download of that file has not been completed. The absence of the download status information implies that the download of the file is completed, [0036]*); and

transmitting the attribute request information reacquiring the contents attributes information for altering the attributes of the contents data that correspond to the in-storage contents identification information to the attributes information providing address when it is determined that the in-storage contents identification information is temporarily stored (*If the download status information*

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of the requested file exists indicating incomplete downloading, the CPU 230 transmits this download status information and a download request signal to the contents server 150 (e.g., via the Internet 140 or other network) at step S402 and resumes the downloading of the file from the point at which the download was stopped in the previous download session at step S403. The download status information identifies to the contents server 150 the point in the file from which the download should be resumed, [0036]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Chun with the teachings of Nakayama, as modified by Wolfe and Volk, for the purpose of resuming downloading of the file from the point at which the download was stopped in the previous data transfer session even though the data transfer link is broken during the downloading of the file due to unexpected network problems or other problems using the download status checker ([Abstract] of Chun).

Regarding **claim 7**, the combination of Nakayama, Wolfe, and Chun, further discloses:

deleting the acquisition/use file when the communicable state is restored from a break of the communication connection with the external apparatus (*The absence of the download status information implies that the download of the file is completed. It is well inherent that after the incomplete file has been completely downloaded, the temporarily stored status checker would be removed as well, [0036] of Chun*);

transmitting a file re-request information requesting the updated acquisition/use file (*Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085] of Nakayama*);

receiving the updated acquisition/use file corresponding to the file re-request information (*After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099] of Nakayama*);

storing the received updated acquisition/use file (*Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080] of Nakayama*); and

determining if the contents identification information corresponding to the contents providing address in the updated acquisition/use file is temporarily stored or not (*Figure 7 shows the CPU 230 of the mobile terminal stores in the memory 240 or some other storage the temporary file with the download status*

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information lastly detected by the download status checker 250, [0045]). When the file downloading apparatus 200 starts the user request download procedure, the CPU 230 of the mobile terminal determines whether or not the download status information of a requested file exists in the download status checker 250 at step S401, [0036] of Chun),

wherein the transmitting contents request information is adapted to transmit the contents request information requesting the contents data corresponding to the contents identification information to the external apparatus when it is determined that the contents identification information is not temporarily stored (*In the meantime, when the download status information about the requested file does not exist in the download status checker 250, the CPU 230 transmits the download request signal to the contents server 150 without the download status information as shown at step S404 so as to download the file from the start of the file, e.g., the byte offset 0, at step S405, [0036] of Chun).*

Regarding **claim 8**, Chun further discloses:

determining if the contents attributes identification information corresponding to the contents identification information is temporarily stored or not when it is determined that the contents identification information is temporarily stored (*Figure 7 shows the CPU 230 of the mobile terminal stores in the memory 240 or some other storage the temporary file with the download status information lastly detected by the download status checker 250, [0045]). When the file downloading apparatus 200 starts the user request download*

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procedure, the CPU 230 of the mobile terminal determines whether or not the download status information of a requested file exists in the download status checker 250 at step S401, [0036]).

wherein the transmitting attributes request information is adapted to transmit the attributes request information requesting the contents attributes information corresponding to the contents attributes identification information to the attributes information providing address contained in the updated acquisition/use file when it is determined that the contents attributes identification information is not temporarily stored (*In the meantime, when the download status information about the requested file does not exist in the download status checker 250, the CPU 230 transmits the download request signal to the contents server 150 without the download status information as shown at step S404 so as to download the file from the start of the file, e.g., the byte offset 0, at step S405, [0036]).*

Regarding **claim 9**, Nakayama further discloses:

determining if the contents attributes information corresponding to the contents attribute identification information and the contents data corresponding to the contents attributes information are registered in the database or not when it is determined that the contents attributes identification information is temporarily stored (*The version number of the file detected in Step S10 is compared with that of the file detected in Step S14, to determine whether or not the server-side file has a later version number. If the server-side file is of a later*

version, i.e. the later version has not been registered in the local system, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]),

wherein the registering is adapted to register the contents data and the contents attributes information when it is determined that the contents data and the contents attributes information are not registered in the database (after the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]).

Regarding **claim 14**, Nakayama further discloses receiving the attributes request information transmitted when the acquisition start information is temporarily stored and the in-storage contents identification information of the contents data is temporarily stored at the time when the communicable state is restored from a break of the communication connection (*Figure 7 shows the CPU 230 of the mobile terminal stores in the memory 240 or some other storage the temporary file with the download status information lastly detected by the download status checker 250, [0045]). When the file downloading apparatus 200 starts the user request download procedure, the CPU 230 of the mobile terminal determines whether or not the download status information of a requested file exists in the download status checker 250 at step S401. If the download status*

information of the requested file exists indicating incomplete downloading, the CPU 230 transmits this download status information and a download request signal to the contents server 150 (e.g., via the Internet 140 or other network) at step S402 and resumes the downloading of the file from the point at which the download was stopped in the previous download session at step S403. The download status information identifies to the contents server 150 the point in the file from which the download should be resumed, [0036]) although the acquisition start information indicating the start of acquisition of the contents data to the external apparatus is temporarily stored and the contents data and the contents attributes information corresponding to the contents data are registered in the database before temporarily storing the acquisition/use file but subsequently the acquisition start information and the in-storage contents identification information that are temporarily stored are erased (The absence of the download status information implies that the download of the file is completed. It is well inherent that after the incomplete file has been completely downloaded, the temporarily stored status checker would be removed as well, [0036]).

10. **Claims 20-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (Pat. No. US 7,117,253, filed on November 5, 2002; hereinafter Nakayama) over Wolfe et al. (Pub. No. US 2004/0163033, filed on July 24, 2003), and further in view of Volk et al. (Pub. No. US 2004/0019497, filed on December 4, 2002; hereinafter Volk), and further in view of Logan et al. (Pub. No. US 2003/0093790, filed on June 8, 2002; hereinafter Logan).

Regarding **claims 20-25**, Nakayama, as modified by Wolfe and Volk, does not disclose the limitations of these instant claims.

However, Logan discloses restricting the reproduction of the contents data to a number of times that a user is authorized to reproduce the contents data *(Limit the "life" (duration) that a program may be previewed, or limit the number of times a program segment (e.g. audio song or music video) can be played before it must be purchased or paid for on a use basis, [0253])*.

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Logan with the teachings of Nakayama, as modified by Wolfe and Volk, for the purpose of utilizing metadata created either at a central location for shared use by connected users, or at each individual user's location, to enhance user's enjoyment of available broadcast programming content ([Abstract] of Logan).

Conclusion

11. These following prior arts made of record and not relied upon are considered pertinent to Applicant's disclosure:

Horn (Pat. No. US 7,275,063) teaches computer system for automatic organization, indexing and viewing of information from multiple sources.

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Patel et al. (*Pat. No. US 7,162,486*) teaches system and method for representing named data streams within an on-disk structure of a file system.

The Examiner requests, in response to this Office action, support(s) must be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. T. H./
Examiner, Art Unit 2165
April 6, 2010

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165